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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 LEE KIRK, An Individual) CASE NO. **2:18-cv-00043-JCM-GWF**
13)
14 Plaintiff,)
15)
16 vs.)
17)
18 TRULITE GLASS AND ALUMINUM)
19 SOLUTIONS, LLC, a Foreign Limited)
20 Liability Company, HERBERT CORTEZ,)
21 an Individual, STEVE WILLIAMS,)
22 an Individual, SHAUN HANNA, an)
23 Individual, DOES I -X;)
24 ROE CORPORATIONS I -X.)
25)
26 Defendants.)
27)
28 _____

19 **STIPULATION AND ORDER TO FILE AMENDED COMPLAINT**

20 COMES NOW, the Plaintiff, LEE KIRK (“Kirk”), by and through his attorney, JENNY
21 L. FOLEY, Ph.D., ESQ., of the law firm HKM EMPLOYMENT ATTORNEYS LLP, and
22 Defendants, TRULITE GLASS AND ALUMINUM SOLUTIONS, LLC, HERBERT
23 CORTEZ, STEVE WILLIAMS, and SHAUN HANNA, (“DEFENDANTS”), by and through
24 their attorney, TIMOTHY ROEHR, ESQ., of LITTLER MENDELSON, P.C. and hereby
25 stipulate and agree as follows:
26

27 1. That the Plaintiff will file the attached Amended Complaint.
28

1 2. Defendants agree to withdraw by virtue of this stipulation the Motion to Dismiss
2 they filed on March 6, 2018 without prejudice.

3 3. The Defendants' response to the Amended Complaint will be due fourteen
4 calendar days after the Early Neutral Evaluation in this matter. The Early Neutral Evaluation
5 is currently set for April 18, 2018. The Defendants' response to the Amended Complaint will
6 therefore be due on May 2, 2018, if the Early Neutral Evaluation does not result in a resolution
7 of this case.

8 4. The parties agree that this stipulation and Defendants' withdrawal of their
9 Motion to Dismiss in no way operates as a waiver of Defendants' right to respond to the
10 Amended Complaint in any manner allowed by the Federal Rules of Civil Procedure.

11 Dated this 10th day of April, 2018.

12 **HKM Employment Attorneys LLP**

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14 _____
15 /s/ *Jenny L. Foley*
16 Jenny L. Foley, Ph.D., Esq.
17 Nevada Bar No. 9017
18 1785 East Sahara Ave., Suite 325
19 Las Vegas, Nevada 89104

20 Dated this 10th day of April, 2018.

21 **Littler Mendelson, P.C.**

22 _____
23 /s/ *Timothy Roehrs*
24 Timothy Roehrs, Esq.
25 Nevada Bar No. 9668
26 3960 Howard Hughes Parkway, Suite 300
27 Las Vegas, Nevada 89169

ORDER

The Court having reviewed the foregoing STIPULATION TO FILE AMENDED COMPLAINT in the above-entitled matter and for good cause appearing therefor,

IT IS SO ORDERED that the Plaintiff will file the attached Amended Complaint.

IT IS SO ORDERED that Defendants' pending Motion to Dismiss is hereby deemed to have been withdrawn without prejudice.

IT IS SO ORDERED that Defendants will respond to the Amended Complaint on or before May 2, 2018, if the Early Neutral Evaluation Session scheduled for April 18, 2018 does not result in a resolution to this case.

IT IS SO ORDERED that Defendants have waived no rights regarding how they may respond to the Amended Complaint and Defendants may respond to the Amended Complaint in any manner allowed by the Federal Rules of Civil Procedure.

Dated: April 16, 2018

George Foley Jr.
UNITED STATES MAGISTRATE JUDGE

UNITED STATES MAGISTRATE JUDGE

Respectfully submitted by:
HKM Employment Attorneys LLP

/s/ Jenny L. Foley
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